

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Yolanta Beresnevichiene)	being electronically deposited
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Serial No.: 10/765,827)	Trademark Office, on this date:
)	
Filed: January 26, 2004)	July 29, 2011
)	
For: IMPROVEMENTS IN AND RELATING)	
TO COMPUTER OPERATING SYSTEM)	
DATA MANAGEMENT)	<u>/Michael W. Zimmerman/</u>
)	Michael W. Zimmerman
Group Art Unit: 2196)	
)	
Examiner: Diem K. Cao)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The applicants are filing herewith a Notice of Appeal and respectfully request review of this case prior to filing an appeal brief. As addressed below, the rejections on the record are improper and must be withdrawn. Thus, the applicants respectfully request allowance of the claims.

Claim 1 was rejected as unpatentable over Van Dyke (US Patent 6,412,070) and Larus (EEL: Machine-Independent Executable Editing). Claim 1 recites modifying machine code of an application to include instructions to associate first data management information with a first addressable unit of a file, and to associate second data management information with a second addressable unit of the same file. The Office action argues that Van Dyke describes associating first data management information with a first addressable unit of a file and second data management information with a second addressable unit of the file at col. 12, lines 1-37. However, the cited portion of Van Dyke does not teach or suggest associating first data management information with a first addressable unit of a file **and** associating second data management information with a second addressable unit of **the** file. Rather, Van Dyke describes

a GUID that is associated with an object. (col. 12, lines 1-35). Van Dyke describes an object as “files.” (col. 1, line 38). There is no suggestion that different GUIDs or data management information is assigned to different addressable units of the same object.

Larus is also cited, but Larus cannot cure the deficiencies of Van Dyke. The Office action does not allege that Larus teaches or suggests associating first data management information with a first addressable unit of a file and second data management information with a second addressable unit of the same file. Therefore, the rejection of claim 1 is in error as the cited art fails to meet at least one element of claim 1.

In view of this missing element, it is respectfully submitted that claims 1-17 are patentable. Reversal of the rejections is respectfully requested.

Claim 18 recites modifying machine code of an application to include instructions to associate first data management information with a first addressable unit of a file and second data management information with a second addressable unit of the file. The combination of Van Dyke and Larus does not teach or suggest such a computing platform. Accordingly, claim 18 and all claims depending therefrom are patentable over the cited art.

Claim 34 recites modifying machine code of an application to include instructions to associate first data management information with a first addressable unit of a file, to associate second data management information with a second addressable unit of the file. The combination of Van Dyke and Larus does not teach or suggest such a method. Accordingly, claim 34 and all claims depending therefrom are patentable over the cited art.

Claim 43 recites a data management unit to associate first data management information with a first addressable unit of a file, and instructions to associate second data management information with a second addressable unit of the file. The combination of Van Dyke and Larus does not teach or suggest such an apparatus. Accordingly, claim 43 and all claims depending therefrom are patentable over the cited art.

In view of the foregoing, the above rejections will be reversed on full appeal.
Accordingly, allowance or reopening of prosecution is requested.

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Respectfully submitted,

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